Remarks

Reconsideration of this application is respectfully requested in view of the foregoing amendments and the following remarks.

The applicant appreciates the Examiner's assistance in the interview conducted on February 12, 2008.

The Examiner has rejected claim 28 under 35 U.S.C. 112 second paragraph. Claim 28 has been amended to overcome this rejection by deleting the term "optional".

The Examiner has rejected claims 28-30, 32, and 33 under 35 U.S.C. 103(a) as being unpatentable over *Berg* in view of *Nellessen et al. et al.*

It is respectfully submitted that claim 28 is patentable over the above cited references to *Berg* in view of *Nellessen et al.* because the combination of *Berg* and *Nellessen et al.* does not teach all of the features of claim 28 as amended.

For example, the Examiner admits that *Berg.* does not teach the following steps:

applying a reflection ink layer comprising a plurality of reflection particles directly onto said intermediate ink layer, wherein said reflection particles are added to the reflection ink before applying the reflection ink on the transfer adhesive or the optional intermediate ink layer respectively;

drying the transfer such that at least some of the reflection particles are raised above the reflection ink layer; and

forming the reflection transfer via a screen printing process.

In addition, *Berg* also does not disclose additional features as well.

For example, it is respectfully submitted that *Berg* does not disclose the feature of:

"initially providing an adhesive repellent base medium"

This feature could not be found the '942 patent to *Berg* because the process disclosed in this patent because the item under reference numeral 19 is not a "base medium". Rather the base medium of *Berg* is the carrier base 11 as described in column 3 line 4. As described in column 3 lines 3-6:

"The carrier 10 comprises a dimensionally stable carrier base 11 or sheet material with a plastic coating 12 adhered thereto."

This difference in structure is important because the application of the transfer layer is affected by the different layers. For example, the layer structure in *Berg* is as follows:

First there is a carrier base 11, with a plastic layer 12 which is coupled to a layer of transparent beads 14 which are associated with a reflective pigment means 15 in a bead binder layer 16. The bead binder layer 16 is coupled to the heat barrier film 17 and which is coupled to the adhesive layer 18. Finally there is a temporarily removable liner 19 which is coupled to the adhesive layer 18.

The adhesive layer 18 is the layer that is used to have the transfer film portion which can be attached to a cloth 20.

Thus, the transfer layer 13 has to be turned upside down by 180 degrees before applying it to cloth 20. This turning upside down implies that each and every picture which will be printed with the pigmented bead binder layer has to be printed in an inverted manner during the production of the transfer film because afterwards, the transfer film 13 is turned around 180 degrees with its upside down face being brought into its use position.

In this case, the carrier base 11 cannot be an adhesive repellant material because the carrier coating layer must be firmly connected with layer 11. This is because only both materials can be removed by forming the dry strippable carrier 10. That the carrier base 11 of the *Berg* document is not of the adhesive repellent type can be taken from the fact that the layer can be paper.

Thus, the step of "initially providing an adhesive repellent base medium" could not be found in the '942 patent because the process of "providing an adhesive repellent base medium" cannot be achieved using a "paper" carrier base.

It is respectfully submitted that the second step, that of "applying a transfer adhesive on the base medium" could only occur in the *Berg* patent if layer 12 which is coupled to beads 14 could be considered to be a "transfer adhesive" as claimed in claim 28.

In this case, claim 28 has been amended to state:

"applying a transfer adhesive <u>of the assembled reflection transfer"</u>

In this case, because claim 28 has been amended, it is now distinguished from the *Berg* patent. This is because with the *Berg* patent, the layer 12 which is coupled to the base layer 11

does not act as the adhesive layer of the assembled reflection transfer.

Furthermore, the third step of: "applying an intermediate ink layer onto a side of said transfer adhesive opposite said base medium" as amended has not been disclosed in *Berg* either.

It is admitted that claim 28 has been amended to state that the intermediate ink layer is applied "onto" a side of the "transfer adhesive" opposite the base medium to indicate that the intermediate in layer is actually connected to the transfer adhesive but opposite the base medium.

This feature is not shown in the *Berg* Patent because the ink barrier (heat barrier film 17) is only applied on a side but not connected to the transfer adhesive opposite the base layer 12.

In addition, it is respectfully submitted that the Patent to *Berg* does not disclose the step of "applying a reflection ink layer comprising a plurality of reflection particles"

Instead, *Berg* discloses applying several separate layers starting with layer 12 and then providing that layer with beads and then the pigment bead-binder layer 16 comprising a reflective pigment means 15. These different layers never form a uniform and integrated layer because layer 12 is part of a strippable carrier 10 which will afterward be removed from the other two layers. Therefore, the '942 patent does not disclose "applying a reflection ink layer comprising a

plurality of reflection particles as claimed in claim 28.

It is respectfully submitted that even if the disclosure of *Nellessen et al.* was combined with the disclosure of *Berg*, the combination of the two patents would still not result in the process of the present invention as claimed in claim 28.

The *Nellessen et al.* patent discloses a reflection particle containing ink, applying this ink to a substrate, drying that film, and then applying an etching solution and then washing that etching solution away from the surface of the structure. Thus, in this case, *Nellessen et al.* does not teach any use of such an ink in connection with a transfer and in this case, it especially does not teach how to use such an ink during the production process of a transfer as claimed in claim 28.

It is respectfully submitted that the combination of *Nellessen et al.* with *Berg* would not instruct the user to alter the sequence of production steps in any way.

It is respectfully submitted that the consequence of combining the teachings of *Nellessen et al.* with *Berg* would be that the beads would not sink into the layer 12 but will now raise from the now coated reflection particles containing ink such as in layer 16. This is because *Nellessen et al.* teaches that the drying of the reflecting particles containing ink, and because the layer 12 is

the "substrate" which is coated with this ink, after drying which can then be used to obtain the structure as shown in FIG. 2 of *Nellessen et al.*, wherein the beads will probably raise as shown in FIG. 2 of *Nellessen et al.*.

It is respectfully submitted that the reference to *Berg* could only be used in combination with the reference to *Nellessen et al.* if the reference to Berg was instead flipped upside down. Thus, in this case, it is respectfully submitted that the *Berg* reference could only be used if *Berg* taught that layer 19 is provided wherein a transfer adhesive 18 is applied to base layer 19. Instead, as discussed above, *Berg* teaches the opposite process.

Thus, it is respectfully submitted that it would be impossible for someone skilled in the art to start with the *Berg* patent, apply the teachings of the *Nellessen et al.* patent to arrive at the steps as described in claim 28, because this would at a minimum require a process which is the exact opposite of that taught by *Berg* .

The Examiner has rejected claims 29 and 30 in view of *Berg* and *Nellessen et al.* as disclosed above. It is respectfully submitted that these claims are allowable over the above cited references for the reasons stated above. In short, at a minimum, the process as described in *Berg* would have to be completely reversed to even begin to teach the process as described in claim 28, but also in claims 29 and 30 as well. Therefore, it is respectfully submitted that claims 29 and 30

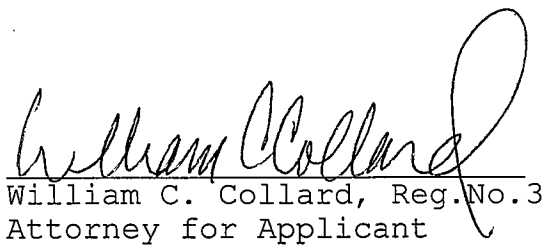
are patentable over the above cited references, taken either singly or in combination.

The Examiner has rejected claim 31 under 35 U.S.C. 103(a) as being unpatentable in view of *Berg*, in view of *Nellessen et al.*, as applied to claim 30 above, and in further view of Applicant's Admitted Prior Art. It is respectfully submitted that since claim 31 depends from claim 30 and that since it is believed that claim 30 is patentable, it is respectfully submitted that claim 31 is also patentable.

While the applicant believes that independent claims 28, 29, and 30 are patentable as written, new claims 34-36 have been added to further distinguish claims 28-30 from the above recited art. It is respectfully submitted that these claims are patentable over the above cited references taken either singly or in combination.

Accordingly, claims 28, 29 and 30 have been amended . It is respectfully submitted that the remaining claims 28-33 are patentable over the above cited references.

Respectfully submitted,



William C. Collard, Reg.No.38,411
Attorney for Applicant

COLLARD & ROE, P.C.
1077 Northern Boulevard
Roslyn, New York 11576
(516) 365-9802